

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SHILOH HEAVENLY QUINE,

Plaintiff,

v.

DE LA CRUZ,

Defendant.

No. 1:24-cv-00797-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION FOR FAILURE TO PROSECUTE

Doc. 17

Plaintiff Shiloh Heavenly Quine is a county jail inmate and former state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On October 9, 2024, the assigned magistrate judge issued an order denying plaintiff's motion to provide case file to future counsel as moot. Doc. 16. On October 21, 2024, that order was returned as "Undeliverable, Return to Sender, Refused, Unable to Forward." *See* Docket. Plaintiff's notice of change of address was therefore due on or before December 23, 2024. Local Rule 183(b). Plaintiff did not file a notice of change of address or otherwise communicate with the Court. *See* Docket.

Accordingly, on January 3, 2025, the assigned magistrate judge issued findings and recommendations recommending dismissal of this action, without prejudice, for plaintiff's failure to prosecute. Doc. 17. The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen days after service. *Id.* Plaintiff

1 did not file any objections, and the deadline to do so has passed.¹ To date, plaintiff has not
2 otherwise communicated with the Court or updated her address. *See* Docket.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de
4 novo review of the case. Having carefully reviewed the file, the Court concludes that the findings
5 and recommendations are supported by the record and proper analysis.

6 Accordingly, IT IS HEREBY ORDERED:

- 7 1. The findings and recommendations issued on January 3, 2025, Doc. 17, are adopted in
8 full;
9 2. This action is dismissed, without prejudice, for plaintiff's failure to prosecute; and
10 3. The Clerk of the Court is directed to close this case.

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13 IT IS SO ORDERED.

14 Dated: January 28, 2025



UNITED STATES DISTRICT JUDGE

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25 ¹ The findings and recommendations were also returned as "Undeliverable, Attempted, Not
26 Known, Unable to Forward" on January 13, 2025. Though the findings and recommendations
27 were returned to the Court as undeliverable, they were properly served on plaintiff. *See* Local
28 Rule 182(f) ("Each appearing attorney and pro se party is under a continuing duty to notify the
Clerk and all other parties of any change of address or telephone number of the attorney or the
pro se party. Absent such notice, service of documents at the prior address of the attorney or pro
se party shall be fully effective.").